

Appendix F

Environmental Permits and Approvals

Note: Abbreviations are listed at the end of this table.

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
FEDERAL PERMITS AND APPROVALS				
National Environmental Policy Act (NEPA)	FHWA and WSDOT	Activities with a federal nexus (i.e. upon federal lands, federally funded, or requiring federal permits or approvals) trigger NEPA procedural and documentation requirements.	310.07, 410-480	42 USC 4321, 23 CFR 771, 40 CFR 1500-1508
<u>Endangered Species Act (ESA)</u>	NOAA Fisheries USFWS	<u>Activities with a federal nexus (i.e. upon federal lands, federally funded, or requiring federal permits or approvals) trigger ESA procedural and documentation requirements.</u>	<u>431, 436, 437, 520.08, 520.09, 710.04</u>	16 USC 1531-1543
Wetlands Report	Corps	Impact to lowlands covered with shallow and sometimes temporary/intermittent waters (e.g., swamps, marshes, bogs, sloughs, potholes).	437	49 USC 1651, EO 11990 (Protection of Wetlands)
Wild and Scenic Rivers	FHWA and Affected Agency	No specific permits are required for projects in wild and/or scenic river corridors, but water quality permits listed in Section 431.06 may apply.	453, 520.12	16 USC 1271
Farmland Conversion	NRCS Counties and Cities	NRCS Form AD1006 approval may be required if project entails conversion of farmlands. Local grading permits may also be required.	454	7 USC 4201, 7 CFR 650
U.S. Dept of Transportation Act - Section 4(f)	FHWA, SHPO, and Affected Agency with Jurisdiction over the site	Use of park and recreation lands, wildlife and waterfowl refuges, and historic sites of national, state, or local significance triggers Section 4(f) procedural and documentation requirements.	411.12, 455	49 USC 1651, Sec. 4 (f), 23 CFR 138
Land and Water Conservation Fund Act - Section 6(f)	FHWA and Affected Agency (WSDOT)	Use of lands purchased with <u>LWCFA</u> funds triggers Section 6(f) procedural and documentation requirement. In Washington <u>LWCFA</u> funds are distributed by the Interagency Committee for Outdoor Recreation.	455, 520.11	<u>LWCFA</u>
Historic Preservation Act - Section 106	OAHP/SHPO	Potential impacts to historic or archaeological properties trigger Section 106 procedural and documentation requirements.	411.12, 456, 520.10	16 USC 470, Sec.106, 36 CFR 800, RCW 43.51.750
Clean Water Act - Section 404 Individual and Nationwide Permits	Corps, USEPA, USCG	Discharging, dredging, or placing fill material within waters of the US, drainage channels with a direct connection to surface waters, or adjacent wetlands.	431, 432, 437, 452, 453, 520.02, 620.04, 710.04	CWA Sec 404, 33 USC 1344, 33 CFR 330.5 & 330.6
Rivers and Harbors Act - Section 10	Corps	Obstruction, alteration, or improvement of any navigable water (e.g., rechanneling, piers, wharves, dolphins, bulkheads, buoys).	431, 432, 452, 520.03, 710.04	33 CFR 322, 33 CFR 403

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General Bridge Act (Rivers and Harbors Act - Section 9)	USCG	Bridges and causeways in navigable waters, including all tidally-influenced streams used by boats over 21 feet in length.	431, 432, 452, 453, 520.04	33 USC Sec. 9, 33 USC 11, 33 CFR 114 & 115, FHWA Sec 123(b)
Archaeological Resources Protection Permit	Tribes Federal landowners, e.g. BLM, Corps, NPS	Excavation or removal of archaeological resources from tribal or federal land.	456, 520.05	43 CFR 7.6 – 7.11
Authorization for Use of Federal Land	USFS BLM	Construction of roads, utility lines, and associated uses such as staging of construction equipment or borrow pits on federal lands.	520.13, 620.02, 810.06	36 CFR 251, 43 USC 1761-1771, 43 CFR Parts 2800 and 2880
Airport/Highway Clearance	FAA (Federal)	Airspace intrusion by a highway facility (i.e. proposed construction in the vicinity of public use or military airports) may require FAA notification.	460, 520.13	FHPM 6-1-1-2, FAA Regs. p.77
STATE PERMITS AND APPROVALS				
State Environmental Policy Act (SEPA)	Ecology	Any activity not categorically exempt triggers SEPA procedural and documentation requirements.	410-480	RCW 43.21C, WAC 197-11, WAC 468-12
Clean Water Act - Section 401 Water Quality Certification	Ecology USEPA (federal and tribal lands) Puyallup and Chehalis	Activity requiring a federal permit/license for discharge into navigable waters.	431, 432, 437, 452, 453, 540.02	CWA Sec 401, RCW 90.48.260, WAC 173-225
Coastal Zone Management Certificate	Ecology	Applicants for federal permits/licenses are required to certify that the activity will comply with the state's Coastal Zone Management program (Shoreline Management Act).	431, 432, 437, 452, 540.03, 710.04	CZMA Sec 6217, 16 USC 1451 et seq., 15 CFR 923-930, RCW 90.58
Clean Water Act - Section 402 NPDES Permits	Ecology	Discharge of pollutants into state waters, including wetlands and groundwater. Municipal Stormwater Discharge, Industrial Stormwater, Construction Stormwater, or Sand/Gravel permits may be required, depending on the activity.	See below.	See below.
NPDES Construction Stormwater Permit (General and Individual)	Ecology	All soil disturbing activities where construction activity will disturb one or more acres and will result in discharge of stormwater to a receiving water, and/or storm drains that discharge to a receiving water. Also required if detention facilities will be constructed to retain stormwater on site.	431, 433, 540.04, 620.04, 710.04	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
NPDES Municipal Stormwater Permit (General)	Ecology	If construction activities and/or long-term operation and maintenance of its facilities result in stormwater discharge to a municipal separate storm sewer system.	431, 433, 540.05	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
NPDES Sand and Gravel Permit (General and Individual)	Ecology	Activities involving the following SIC codes: 1442 Construction Sand and Gravel 2951 Asphalt Paving Mixtures and Blocks 3273 Ready-Mixed Concrete	431, 433, 540.06	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226

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NPDES Industrial Stormwater Permit (General and Individual)	Ecology	If stormwater from WSDOT's facility does not discharge to ground and/or to a combined storm/sanitary sewer.	431, 433, 540.07	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
Other NPDES Permits (Programmatic) – Routine WSDOT Programs	Ecology	Washing and painting of bridges and ferry terminals, nuisance aquatic plant and algae control, noxious aquatic plant control, aquatic mosquito control.	431, 433, 540.08	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
State Waste Discharge Permit (SWDP)	Ecology	Discharge or disposal of municipal and industrial wastewater into groundwater, or discharge industrial wastewater to an NPDES-permitted wastewater treatment plant.	431, 433 540.12	RCW 90.48, WAC 173-226
Isolated Wetlands Administrative Order	Ecology	Activity that may cause pollution, including discharge of fill or other alteration of the physical, chemical, or biological properties of isolated wetlands.	437, 540.13	RCW 90.48
Underground Injection Control	Ecology	Injection well that may contaminate drinking water.	433 540.14	40 CFR 144, RCW 43-21A.44, WAC 173-218
Hydraulic Project Approval	WDFW	Projects that will use, divert, obstruct, or change the natural flow or bed of any state waters (e.g., culvert work, realignment, bridge replacement).	431, 432, 436, 447, 452, 453, 540.15, 620.05, 710.04	RCW 77.55.100, WAC 220-110
Fish Habitat Enhancement Project Application	WDFW	Streamlined process for projects designed to enhance fish habitat, application accompanies Hydraulic Project Approval.	436, 540.15	See above.
Aquatic Lands Use Authorization	WDNR Harbor Line Commission	Rights-of-way or fills on, over, or across beds of navigable waters. If waters are part of harbor area, easements may also needed from harbor line commission.	436, 437, 540.16 710.04	RCW 79.90, WAC 332-30, RCW 47.12.026
Easement on Public Land	WDNR	Construction of roads, utility lines, and associated uses such as staging of construction equipment or borrow pits on state-owned land.	455, 540.17 620.02, 810.06	RCW 79.36
Forest Practices Application	WDNR	Road construction, pits, pesticide use, and other specified activities on public or private forest land (i.e., land capable of supporting merchantable timber).	455, 540.18	RCW 76.09, WAC 222
Surface Mining Reclamation Permit	WDNR	Permit with approved reclamation plan required for surface mining (pit and quarry sites) if more than 3 acres are disturbed at one time or pit walls are more than 30 feet high and steeper than 1:1.	420, 455, 540.19 620.02	RCW 78.44
Survey Monument Removal	WDNR	Temporary removal or destruction and replacement of a survey monument.	451, 540.20	RCW 58-24, WAC 332-120
On-Site Sewage System	DOH Ecology Local health authorities	Construction/modification of domestic/industrial wastewater facilities (e.g., sewer relocation, rest area construction). Systems with design flow capacity >14500 gpd are regulated by Ecology. Systems with design flow capacity of 3,500-14,500 gpd are regulated by DOH. Systems with design flow capacity of less than 3,500 gpd are regulated by local health authorities.	431, 432, 433 540.12 (Ecology) 540.21 (DOH) 550.10 (Local)	RCW 90.48.110, WAC 246-272, WAC 173-240

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Archaeological Excavation and Removal Permit	OAHP	Digging, excavating, altering, defacing, or removing archaeological objects or sites; historic archaeological resources; or native Indian graves, cairns, or painted or glyptic records.	456, 540.22	
Air Quality Permit	Ecology, Clean Air Agencies, fire protection agencies	Permit allows temporary air pollution above allowed levels. Includes land clearing burns, demolition of structures containing asbestos, and operation of portable asphalt batching equipment, rock crushers, Portland cement plants. Permit may limit the type, size, or timing of temporary pollution.	425, 540.23	RCW 70.94
RCRA Hazardous Waste Tracking Form	Ecology	A WAD tracking number from Ecology is required for transport, storage, transport, or disposal of dangerous waste.	447, 540.24, 710.04	WAC 173-303
RCRA Dangerous Waste Permit	Ecology	Facilities that store, treat, and/or dispose of dangerous waste.	447, 540.24	RCRA
Underground Storage Tank Notification	Ecology	Installation or removal of an underground storage tank; requires notification to Ecology.	447, 540.24	RCRA
MTCA Hazardous Materials Spills	Ecology	Spill or release of hazardous substance with potential to impact human health or the environment; must be reported to Ecology.	447, 540.24	MTCA
Independent Remedial Action	Ecology	Conducting an independent remedial action; report must be submitted to Ecology.	447, 540.24	MTCA
Hazardous Waste Monitoring Well	Ecology	Long term monitoring of hazardous waste movement or contamination levels; notice of intent must be submitted to Ecology.	447, 540.24	RCW 18.104, WAC 173-160, WAC 173-162, WAC 173-303
Water Right Permit	Ecology	New or changed water right may be needed for withdrawal of more than 5,000 gpd of groundwater, or for any amount of surface water; e.g. for construction of a new facility such as a rest area or maintenance facility, or for diversion of surface water to create a wetland mitigation site.	433, 540.25	RCW 18.104, 43.27A, 90.03, 90.14, 90.16, 90.44 and 90.54 WAC 173-100, 173-136, 173-150, 173-154, 173-166, 173-500 and 173-590, WAC 508-12
Public Water System Approval	DOH or local health department	Construction of a new facility such as a rest area, maintenance facility, or ferry terminal that furnishes water to two or more service connections for human consumption and domestic use, including governmental, commercial, industrial or irrigation.	433, 540.25	RCW 43.20A, WAC 246-290, WAC 246-291, WAC 246-294, 42 USC Chapter 6A, 40 CFR 141 and 143.
Dam Construction Permit	Ecology	Constructing, modifying, or repairing a dam that captures and stores at least 10 acre-feet of water or liquid waste; e.g. a highway project adjacent to a reservoir requiring modification of the embankment.	540.25	RCW 90.03.350, WAC 173-175

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Reservoir Permit	Ecology	Reservoir permit is required when any dam or dike is used to store water to a depth of 10 feet or more at its deepest point, or retains 10 or more acre-feet of water. Also applies to reservoir adjacent to a stream channel, wetland or wildlife mitigation sites where an impoundment of water is proposed.	540.25	RCW 90.03.370, WAC 173-175, WAC 508-12
Temporary Exceedance of Water Quality Standards	Ecology	Shoreline or in-water work resulting in a temporary increase in turbidity associated with the disturbance of sediments within a defined mixing zone; also applies to concrete pouring.	431, 432, 447, 452, 453, 540.25	WAC 173-201A.110
Soil Boring – Notice of Intent	Ecology	All drilling activities, including geotech soil borings, monitoring/resource protection wells, and developing or decommissioning water wells.	540.25	RCW 18.104, WAC 173-160, WAC 173-162
Beaver Trapping on WSDOT Property	WDFW	Trap beavers that block culverts with their dam-building activity and threaten public safety through the flooding and erosion that follow.	540.25	
LOCAL PERMITS AND APPROVALS				
Shoreline Substantial Development, Conditional Use, and Variance Permits	Ecology Cities and Counties	Development, construction, and uses with a fair market value of \$5,000 and greater; any development materially interfering with public use of "shorelines" which are marine waters, water areas 20 acres and larger, streams over 20 cfsmaf, wetlands, and land within 200 ft of the shoreline.	431, 432, 437, 447, 452, 453, 550.02, 710.04	RCW 90.58, WAC 173-15 through 173-27, City and County ordinances
Floodplain Development Permit	Ecology Counties and Cities	Any structure or activity that may adversely affect the flood regime of streams within the flood zone, or land areas located below the designated 100-year floodplain elevation.	432, 550.03	RCW 86.16, WAC 173-158, City and County ordinances
Critical/Sensitive Areas Ordinances	Counties and Cities	Projects impacting areas defined as "critical" by counties and cities under the GMA, including wetlands, aquifer recharge areas, wellhead protection areas, frequently flooded areas, geographically hazardous areas, fish and wildlife habitat, and conservation areas.	420, 431, 436, 437, 451, 550.04, 710.04	RCW 90.58, RCW 36.70A, City and County ordinances
Clearing, Grading and Building Permits	Counties and Cities	Clearing and grading of land for development with impacts outside WSDOT right of way; includes connecting streets, frontage roads, etc. Construction of any building for human habitation; includes maintenance facilities.	420, 451, 454, 460, 550.05, 710.04	RCW 36.21.080, RCW 36.70, RCW 36.70A, RCW 19.27, WAC 51-50, City and County ordinances
Land Use Permit	Counties and Cities	Required land use permit examples are conditional use, unclassified use permit, or variance.	550.06	City and County ordinances
Noise Variance	Counties and Cities	Construction and maintenance activities during nighttime hours may require a variance from local noise ordinances. Daytime noise from construction is usually exempt.	446, 550.07	RCW 70.107, WAC 173-60, WAC 173-62

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
Detour and Haul Road Agreements	Counties and Cities	Use of city streets or county roads for the purpose of detouring traffic or hauling certain materials associated with a highway improvement project.	550.10	City and County ordinances
On-site Sewage System under 3,500 gpd	Local health authorities	Discharge of on-site sewage, less than 3,500 gpd.	550.10	

Abbreviations:

BLM Bureau of Land Management (Federal)
CFR Code of Federal Regulations
cfsmaf Cubic feet per second mean annual flow
Corps U.S. Army Corps of Engineers
CWA Clean Water Act
CZMA Coastal Zone Management Act (Federal)
DOH Washington Department of Health
DSHS Washington Dept. of Social and Health Services
Ecology Washington State Department of Ecology
EO Executive Order
ESA Endangered Species Act (Federal)
FAA Federal Aviation Administration
FACA Federal Action Community Act
FHWA Federal Highway Administration
FRA Federal Railroad Administration
FWCA Fish and Wildlife Coordination Act (Federal)
WPCA Water Pollution Control Act (Federal)
GMA Growth Management Act (State)
gpd Gallons per day
HPA Hydraulic Project Approval
JARPA Joint Aquatic Resources Permit Application
LWCFA Land and Water Conservation Fund Act (Federal)
MTCA Model Toxics Control Act
NEPA National Environmental Policy Act

NMFS National Marine Fisheries Service (Dept. of Commerce)
NOAA National Oceanic and Atmospheric Administration
NPDES National Pollutant Discharge Elimination System
NPS National Park Service
NRCS Natural Resources Conservation Service (U.S. Dept. of Agriculture)
OAHP Office of Archaeology and Historic Preservation (State)
RCRA Resource Conservation and Recovery Act
RCW Revised Code of Washington
ROW Right-of-Way
SDWA Safe Drinking Water Act (Federal)
SEPA State Environmental Policy Act
SHPO State Historic Preservation Officer
SIC Standard Industrial Code
SMA Shoreline Management Act (State)
SWDP State Waste Discharge Permit
USC United States Code
USCG United States Coast Guard
USEPA United States Environmental Protection Agency
USFS United States Forest Service
USFWS United States Fish & Wildlife Service (Dept. of Interior)
WAC Washington Administration Code
WAD Dangerous Waste Identification Number
WDFW Washington State Department of Fish and Wildlife
WDNR Washington State Department of Natural Resources